

Exhibit A

Plaintiffs respectfully request leave to reply to Defendants' opposition (ECF No. 223) to Plaintiffs' motion to compel Defendants to produce [REDACTED] [REDACTED] for Fed.R.Civ.P 30(b)(1) depositions. ECF No. 198.

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¹ See *Boss Mfg. Co. v. Hugo Boss AG*, No. 97 Civ. 8495(SHS)(MHD), 1999 WL 20828, at *4 (S.D.N.Y.) (“the burden is modest”); *Louis Vuitton Malletier v. Dooney & Bourke, Inc.*, (“LVM”), No. 04 CIV. 5316 RMB MHD, 2006 WL 3476735, at *14 (S.D.N.Y. Nov. 30, 2006) (Dolinger, MJ) (“all doubts are to be resolved in favor of the examining party”).

² See *Calderon v. Experian Info. Sols., Inc.*, 290 F.R.D. 508, 518 (D. Idaho 2013) (“where the question is whether the deposition should occur, as opposed to whether the corporation may ultimately be bound by the employee's statements, the third factor, i.e. the witness's likely ‘identification with the interests of the employer’—is said to be the ‘paramount test.’ ”, citing *E.I. DuPont de Nemours & Co. v. Kolon Indus.*, 268 F.R.D. 45, 49 (2010); *In re Honda American Motor Co., Inc. Dealership Litigation*, 168 F.R.D. 535, 541 (D.Md.1996); *Boston Diagnostics Development Corp., Inc. v. Kollsman Mfg. Co.*, 123 F.R.D. 415, 416 (D.Mass.1988); *Independent Productions Corp. v. Loew's Inc.*, 24 F.R.D. 19, 25 (S.D.N.Y.1959); FPP § 2103.).

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[REDACTED]

³ See, *Schindler Elevator Corp. v. Otis Elevator Co.*, No. 06 CIV.5377CMTHK, 2007 WL 1771509, at *6 (S.D.N.Y. June 18, 2007), (in finding that this factor supported a finding of managing agent status, the court stated that the individual “appears to have been ‘in charge of the particular matter’ (emphasis supplied) even though he was responsible to higher authority to some extent” quoting *Boston Diagnostics Dev. Corp., Inc. v. Kollsman Mfg. Co.*, 123 F.R.D. 415, 417 (D.Mass.1988).

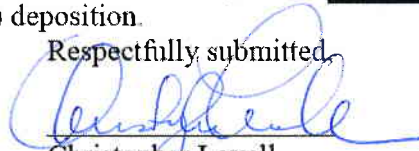
ee Lockheed Martin Corp., Plaintiff, v. The Boeing Co., No., 603-CV-796, 2003 WL 22962782, at *3 (M.D. Fla. Oct. 21, 2003) (Court excludes cross-subpoenas from notices counted for purposes of the number of depositions).

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[REDACTED]

Conclusion. This Court should order Defendants to produce [REDACTED]
[REDACTED] for Rule 30(b)(1) deposition.

Respectfully submitted,


Christopher Lovell

cc: Counsel of Record (by ECF)

Exhibit A

Exhibit Filed Under Seal

Exhibit B

Exhibit Filed Under Seal